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09/644,484	08/23/2000	Edward E. Belfiglio	TSMI : 001	2274

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EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 07/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/644,484

Applicant(s)

Belfiglio

Examiner
Clark F. Dexter

Art Unit
3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Jun 5, 2002

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above, claim(s) 2-6 and 13 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1, 7-12, and 14-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3

6) Other: _____

DETAILED ACTION

Election/Restriction

1. Applicant's election with traverse of Group II (claims 1, 7-12 and 14-20) in the response filed June 5, 2002 (paper no. 7) is acknowledged. The traversal is on the ground(s) that a restriction requirement is improper and that "an Election of Species Requirement, not a Restriction Requirement, appears to be appropriate." This is not found persuasive for the following reasons. First, applicant's basis for the type of election/restriction requirement based on whether claims are in independent or dependent form is unclear. As applicant is well aware, all claims are considered as independent claims, wherein dependent claims are merely independent claims written in shorthand. Thus, whether a claim is independent or dependent is merely a matter of form and has no bearing on the scope or interpretation of the claim. Second, species define aspects of the invention that are mutually exclusive. Groups I and II clearly are not directed to inventive aspects that are mutually exclusive. Therefore, an Election of Species Requirement would clearly be improper.

The requirement is still deemed proper and is therefore made FINAL.

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Claim Rejections - 35 USC § 112

2. Claims 14-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, line 2, the recitation "comprising a bi-metallic guide" renders the claim vague and indefinite and appears to be contrary to the normal use of the term "comprising", particularly since the metallic insert is part of the guide block, not vice versa, and thus it seems that the guide block comprises a metallic insert.

In general, claims 14-20 are vague and indefinite as to whether the invention is directed to a metallic insert as set forth in the preambles or to a bi-metallic guide block as defined throughout the claims.

In claim 17, lines 2-3, the recitation "is connected to a base plate of the saw blade guide by one or more fasteners" is vague and indefinite as to what structure is being set forth pertaining to the insert.

Claims 18-20 are vague and indefinite as to how the claimed insert is being further defined.

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Morgan, pn 6,202,528.

5. Claims 14-20, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Edmisson, pn 4,625,810.

Edmisson discloses a metallic insert (i.e., a metallic structure) with every structural limitation of the claimed invention as best understood from the claims.

6. Claims 14-20, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al., pn 4,632,074.

Takahashi et al. discloses a metallic insert (i.e., a metallic structure) with every structural limitation of the claimed invention as best understood from the claims.

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7. Claims 14-20, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Krebsbach, pn 5,993,915.

Krebsbach discloses a metallic insert (i.e., a metallic structure) with every structural limitation of the claimed invention as best understood from the claims.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 7-9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan, pn 6,202,528 in view of Robinson, pn 3,104,575.

Morgan discloses carbide wear components 20, 21 and thus lacks a bimetallic guide block as claimed. Robinson discloses that the wear components can be made of hardened steel for the well known benefits including improved wear and guiding characteristics. Therefore, it would have been obvious to one having ordinary skill in the art to replace the carbide wear components of Morgan with the hardened steel wear components thus forming a bimetallic guide block for the well known benefits including those described above.

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Regarding the specific type of hardened steel set forth in claims 8, 9 and 12, the Examiner takes Official notice that chromium-carbide including austenitic chromium-carbide is old and well known in the art and has well known benefits including resistance to wear. Therefore, it would have been obvious to one having ordinary skill in the art to make the hardened steel of chromium-carbide including austenitic chromium-carbide for the well known benefits including those described above.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
June 28, 2002